

REMARKS

Claims 1, 3-5 are pending and under consideration in the above-identified application. Claims 15-46 were withdrawn in a previous amendment and remain withdrawn. Claims 2 and 6-14 were cancelled previously.

In the Office Action of February 24, 2010, claims 1, 3-5 were rejected.

With this Amendment, no claims were amended.

35 U.S.C. § 102 Anticipation Rejection of Claims and 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 1, 3 and 4 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Yoon et al.* (U.S. Pat. No. 6,482,547) (“*Yoon*”).

Claims 1, 3 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ueda et al.* (U.S. Pat. No. 6,027,833) (“*Ueda*”) in view of *Morita et al.* (EP 0861804) (“*Morita*”).

Applicant respectfully traverses this rejection.

In relevant part, each of the independent claims 1 and 3-5 recite a negative electrode having the relationship $G_s = H_{sg}/H_{sd} \leq 10$ holds, where G_s is the degree of graphitization, H_{sg} is the height of a surface enhanced Raman spectrum signal having a peak within the range of 1580 cm^{-1} to 1620 cm^{-1} , both inclusive, and H_{sd} is the height of a surface enhanced Raman spectrum signal having a peak within the range of 1350 cm^{-1} to 1400 cm^{-1} , both inclusive.

This is clearly unlike *Yoon*, *Ueda*, and *Morita* which all fail to disclose or even fairly suggest a negative electrode having the relationship $G_s = H_{sg}/H_{sd} \leq 10$ holds, where G_s is the degree of graphitization, H_{sg} is the height of a surface enhanced Raman spectrum signal having a peak within the range of 1580 cm^{-1} to 1620 cm^{-1} , both inclusive, and H_{sd} is the height of a

surface enhanced Raman spectrum signal having a peak within the range of 1350 cm^{-1} to 1400 cm^{-1} , both inclusive. Instead, *Yoon* discloses a negative electrode where the intensity ratio of crystalline carbon is more than 0.2. See, U.S. Pat. No. 6,482,547, Col. 7, l. 3-21. *Ueda* discloses the ratio of intensities between a composite carbon particle and a carbon matrix being .4 or higher. See, U.S. Pat. No. Col. 5, l. 46-63. *Morita* discloses the ratio of two peak strengths of carbon being $1360\text{ cm}^{-1}/1580\text{ cm}^{-1}$. See, EP 0861804 at Page 9, l. 20-24.

These cannot be fairly viewed as disclosing the degree of graphitization of a negative electrode because both references relate to the intensity of carbon and not the degree of graphitization. Specifically, the prior art references disclose using a Raman spectrum analysis to determine the intensity of carbon in a sample opposed to the surface Raman spectrum presently claimed. As one having ordinary skill in the art would recognize, a Raman spectrum analysis identifies the intensity of a material whereas a surfaced enhanced Raman spectrum analysis measures the surface of a sample by applying a metal film on the sample surface. Accordingly, the prior art references cannot be fairly viewed as disclosing $G_s = H_{sg}/H_{sd} \leq 10$ holds, where G_s is the degree of graphitization, H_{sg} is the height of a surface enhanced Raman spectrum signal and H_{sd} is the height of a surface enhanced Raman spectrum signal because the prior art references disclose values associated with a Raman spectrum analysis and not a surface enhanced Raman spectrum analysis.

As the Applicant's specification discloses, by providing a negative electrode having the relationship $G_s = H_{sg}/H_{sd} \leq 10$ holds, where G_s is the degree of graphitization, H_{sg} is the height of a surface enhanced Raman spectrum signal having a peak within the range of 1580 cm^{-1} to 1620 cm^{-1} , both inclusive, and H_{sd} is the height of a surface enhanced Raman spectrum signal having a peak within the range of 1350 cm^{-1} to 1400 cm^{-1} , both inclusive, a cylindrical non-

aqueous electrolyte secondary battery is produced with a negative electrode surface area which decreases the irreversible capacity of the secondary battery while suppressing the charging/discharging deterioration of the battery. See, U.S. Pat. Pub. No. 2002/0015888, Para. [0102] & [0146].

Therefore, because *Yoon, Ueda, Morita* or any possible combination of them fails to disclose or even fairly suggest every feature of claims 1 and 3-5, the rejection of claims 1 and 3-5 cannot stand.

Conclusion

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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